



U.S. Department of Justice

Civil Division

Federal Programs Branch

310 New Bern Avenue, Suite 800

Federal Building

Raleigh, NC 27601-1461

Tel: (919) 856-4013

Amy.Powell@usdoj.gov

VIA ELECTRONIC FILING

Hon. Judge Roslynn R. Mauskopf
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Cox v. Dep't of Justice*, Civ. No. 17-3329 (RRM)(RLM)

Dear Judge Mauskopf:

Undersigned counsel represents Defendants United States Department of Justice ("DOJ"), the Federal Bureau of Investigation ("FBI"), the Department of Defense ("DOD"), the Office of the Director of National Intelligence ("ODNI"), and the Department of State in this action. Counsel writes to respectfully request an extension of Defendants' time to complete processing of responsive documents subject to FOIA. Plaintiff has consented to this request.

In status reports dated September 8, 2017 and October 6, 2017, Defendants advised the Court that they expected to complete processing of responsive documents subject to FOIA by December 22, 2017. By Electronic Orders dated September 11, 2017, and October 10, 2017, the Court directed the parties to file a status report by January 18, 2018. Defendants FBI and DOD are on track to meet the December 22, 2017 estimate. Defendants DOJ, ODNI and the State Department respectfully request additional time, and their requests are supported by good cause:

- OIP: OIP is facing multiple competing deadlines and an unprecedented increase in litigation, which has taxed OIP resources and made review take longer than initially expected. OIP requests up to and including January 26, 2018.
- State: As previously reported, State's searches returned a large volume of documents potentially responsive to Plaintiff's FOIA request. In its October 6 status report, State indicated that it was currently exploring options to increase its FOIA processing capabilities and would make best efforts to complete its processing of documents and produce responsive, non-exempt records subject to FOIA on or before December 22, 2017. State has since reallocated resources in an effort to increase the amount of resources devoted to its processing of FOIA requests both in and out of litigation. However, it has taken time and resources to implement this reallocation. Thus far, State has reviewed thousands of pages for responsiveness and has begun

processing responsive documents. Despite these efforts, State will require additional time to complete its processing and production of documents because of the volume of material at issue and several substantial FOIA litigation deadlines that have been ordered since the October 6 status report. State requests up to and including March 23, 2018.

- ODNI: ODNI has experienced unexpected staff turnover in the form of new office leadership, a few staff departures, and all new support contractors still coming on board. The FOIA staff there is small to begin with, and has been under an increased litigation burden and general workload. ODNI requests up to and including March 23, 2018.

Defendants further propose that the joint status report be made due April 6, 2018. This is the first request to extend this deadline, and it does not affect other current deadlines in this matter. Undersigned counsel has conferred with Plaintiff, who does not oppose this motion and consents to the requested relief.

Thank you for Your Honor's consideration of this request.

Respectfully,

/s/Amy E. Powell

AMY E. POWELL

Trial Attorney, Federal Programs Branch

Civil Division, Department of Justice

310 New Bern Avenue, Suite 800

Federal Building

Raleigh, NC 27601-1461

Phone: 919-856-4013

Email: amy.powell@usdoj.gov